

REFERENCE TITLE: **special education; surrogate parents**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2255

Introduced by
Representative Anderson

AN ACT

AMENDING SECTION 15-763.01, ARIZONA REVISED STATUTES; RELATING TO SPECIAL EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-763.01, Arizona Revised Statutes, is amended to
3 read:

4 15-763.01. Surrogate parent; appointment

5 A. ~~A petition for~~ The appointment of a surrogate parent for a child
6 with a disability shall be made ~~to a court of competent jurisdiction~~ BY THE
7 DEPARTMENT OF EDUCATION if any of the following conditions have been met:

8 1. No parent can be identified.

9 2. A public agency cannot determine the whereabouts of a parent, after
10 having made three documented and reasonable attempts.

11 3. The child is a ward of the state, UNLESS A FOSTER PARENT WHO MEETS
12 THE CRITERIA DEFINED IN THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (20
13 UNITED STATES CODE SECTION 1402) IS CONSIDERED THE PARENT FOR SPECIAL
14 EDUCATION PURPOSES.

15 B. THE DEPARTMENT OF EDUCATION SHALL MAKE THE APPOINTMENT FROM A LIST
16 OF ELIGIBLE SURROGATE PARENTS MAINTAINED BY THE DEPARTMENT OF EDUCATION. In
17 order for a person to be eligible to receive an appointment as a surrogate
18 parent for a child with a disability all of the following must be true:

19 1. The person shall be determined by the ~~court~~ DEPARTMENT OF EDUCATION
20 to possess knowledge and skills that will ensure adequate representation of
21 the child.

22 2. The person may not be an employee of a state agency if that agency
23 is involved in the education or care of the child.

24 3. The person may not have any interests that would conflict with the
25 best interests of the child.

26 4. The person shall have a valid fingerprint clearance card issued
27 pursuant to title 41, chapter 12, article 3.1.

28 C. A person who is appointed as a surrogate parent for a child with a
29 disability shall not be deemed to be an employee of the state solely as a
30 result of serving as a surrogate parent and receiving compensation for that
31 service.